

(2020-175)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

NORMA LINDA CIENFUEGOS	§	
	§	
VS.	§	Civil Action No. _____
	§	
TARGET CORPORATION	§	JURY DEMANDED

DEFENDANT’S NOTICE OF REMOVAL

Defendant, TARGET CORPORATION, files this Notice of Removal to the United States District Court for the Southern District of Texas, Brownsville Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, based on the following facts, which show that this case is properly removable:

PROCEDURAL BACKGROUND

1. On October 7, 2020, Plaintiff, NORMA LINDA CIENFUEGOS, commenced an action in the 138th Judicial District Court of Hidalgo County, Texas, Cause No. 2020-DCL-04809, styled *Norma Linda Cienfuegos v. Target Corporation*. Plaintiff alleges Defendant is liable for negligence under a premises liability theory.

2. On October 23, 2020, Defendant, TARGET CORPORATION, was served with a copy of Plaintiff’s Original Petition.

3. Defendant’s Notice of Removal is timely as it is filed within 30 days of actual or constructive receipt of Plaintiff’s Original Petition. 28 U.S.C. § 1446(b).

4. At the time suit was filed, and continuing to the present, this Court had, and still has, original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1). There is complete diversity of citizenship between Plaintiff and Defendant. There are no statutory bars against removal to the United States District Court, Southern District of Texas.

5. In addition, the amount in controversy exceeds \$75,000.00, exclusive of interests and costs. *See* Pet. Page 2, section a. under Jurisdiction and Venue.

PARTIES

6. At the time Plaintiff's Original Petition was filed and continuing to the present, Plaintiff is alleged to be a citizen of, and domiciled in, the State of Texas. *See* Pet. Para. 3.

7. At the time Plaintiff's Original Petition was filed and continuing to the present, Defendant Target was and still is a Minnesota Corporation with a principal place of business in Minnesota.

BASIS FOR REMOVAL: DIVERSITY JURISDICTION

8. Removal is proper because this lawsuit involves a controversy between citizens of different states. Specifically, Plaintiff is now, and was at the time of removal, and at the time of the filing of the instant lawsuit, a citizen of Texas.

9. In contrast, Defendant, Target Corporation, is now, and was at the time of removal, and at the time of the filing of the instant lawsuit, a Minnesota corporation with its principal place of business in Minnesota.

10. Accordingly, diversity of citizenship exists between the parties.

COMPLIANCE WITH REMOVAL PROCEDURES

11. A copy of this Notice of Removal was filed with the clerk of the State Court in which the original action was filed, as required by law.

12. Pursuant to Local Rules 3 and 81, this Notice of Removal is accompanied by a Civil Cover Sheet and copies of the following attached documents:

- a. Pleadings asserting causes of action (Exhibit A);
- b. All orders signed by the State Judge (Exhibit B);

- c. The state court docket sheet at the time of removal (Exhibit C);
- d. An index of matters being filed (Exhibit D);
- e. A list of all attorneys, including their addresses, telephone numbers, and the parties they represent (Exhibit E);

PRAYER

For these reasons, Defendant, TARGET CORPORATION, requests that the Court take jurisdiction of this action to its conclusion and final judgment, to the exclusion of any further proceedings in State Court, in accordance with law.

Dated: November __, 2020.

Respectfully submitted,

“/s/” Anthony B. James

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Attorneys for Defendant, TARGET CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing, Defendant's Notice of Removal, has been served on the 17th day of November, 2020 to all attorneys of record via E-Service as follows:

Email: ignacio@martinezlegal.com

Email: nora@martinezlegal.com

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Attorneys for Plaintiff

"/s/" Anthony B. James

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